



22W
AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JEFFREY L. HUCKINS
Serial No.: 09/652,168
Filed: August 31, 2000
For: CLIENT MESSAGING IN
MULTICAST NETWORKS

§ Group Art Unit: 2154
§
§
§ Examiner: Dustin Nguyen
§
§
§ Atty. Dkt. No.: ITL.0453US (P9661)
§

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF TRANSMITTAL


Dear Sir:

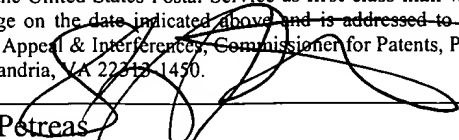
Transmitted herewith is an Amended Appeal Brief for this application. The previous Appeal Brief was filed on July 19, 2006.

Pursuant to M.P.E.P. § 1208.02, there is no fee due for this Appeal, because the Examiner requested that the Appellant file a new Appeal Brief in compliance with 37 CFR 41.37 after filing of the first Appeal Brief on July 19, 2006. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

Date: 11/8/06


Mark J. Rozman, Reg. No. 42,117
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, Texas 77057-2631
512/418-9944 [Phone]
713/468-8883 [Facsimile]

Date of Deposit: 11/8/06
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Board of Patent Appeal & Interference, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stephanie Petreas



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey L. Huckins

Serial No.: 09/652,168

Filed: August 31, 2000

For: Client Messaging In Multicast
Networks

§
§
§
§
§
§
§

Group Art Unit: 2154

Examiner: Dustin Nguyen

Atty. Dkt. No.: ITL.0453US (P9661)

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF

Date of Deposit: 11/8/06

I hereby certify under 37 CFR 1.18(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stephanie Petreas

TABLE OF CONTENTS

I.	REAL PARTY IN INTEREST	3
II.	RELATED APPEALS AND INTERFERENCES	4
III.	STATUS OF CLAIMS	5
IV.	STATUS OF AMENDMENTS	6
V.	SUMMARY OF CLAIMED SUBJECT MATTER	7
VI.	GROUND OF REJECTION TO BE REVIEWED ON APPEAL	11
VII.	ARGUMENT	12
VIII.	CLAIMS APPENDIX	20
IX.	EVIDENCE APPENDIX	22
X.	RELATED PROCEEDINGS	24

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation, the assignee of the present application by virtue of the assignment recorded at Reel/Frame 011081/0543.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

III. STATUS OF CLAIMS

Claims 45-55 stand rejected. The rejections of claims 45-55 are being appealed.

IV. STATUS OF AMENDMENTS

All amendments have been entered. No amendment has been filed subsequent to the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

Support for independent claim 45 may be found in the Specification, for example, at page 8, lines 3-10 and at page 7, lines 14-26.

Support for independent claim 51 may be found, for example, in the Specification at page 2, line 19 – page 3, line 22, as well as page 8, lines 3-10 and at page 7, lines 14-26.

Support for dependent claim 46 may be found, for example, in the Specification at page 4, line 25 – page 5, line 5.

Support for dependent claims 47 and 48 may be found, for example, in the Specification at page 9, lines 13-15.

Support for dependent claim 49 may be found, for example, in the Specification at page 6, lines 7-10.

Support for dependent claim 50 may be found, for example, in the Specification at page 8, lines 11-26.

Support for dependent claim 52 may be found, for example, in the Specification at page 5, line 13 – page 6, line 5.

Support for dependent claims 53 and 54 may be found, for example, in the Specification at page 5, line 13 – page 6, line 5.

Support for claim 55 may be found, for example, in the Specification at page 8, lines 11-26.

The following is a further concise explanation of the subject matter defined in the independent claims of the present Appeal, also identified by page and line number in the Specification.

Embodiments of the present invention relate to providing messages to clients in multicast networks. A multicast network may enable messages to be sent to target groups of clients that constitute a subset of all of the networked clients. *See* Specification, p. 1, lns. 4-6.

Referring to Figure 1, a network may include at least one server or head-end 10 and a plurality of clients 12 (only one of which is shown). The server 10 may be coupled to a plurality

of clients (including the client 12) through a distribution system that may be based on a wired system or a wireless or broadcast system. Examples of such networks include television distribution networks such as digital video broadcasting systems.

In one embodiment of the present invention, the server 10 may communicate with the clients 12 over a transport 14. The transport 14 may be in accordance with an analog or digital broadcasting system. In accordance with embodiments of the present invention, the client 12 recognizes messages directed individually to that client 12 from the server 10 or in some embodiments, from other clients 12. Bandwidth may be conserved by addressing messages to a group of clients without the need to insert, within header, the individual identifiers of each of a large number of addressed clients.

In addition, the client 12 may include one or more addressable agents 44, 46 and 48 that may be independently addressed by remote units such as the server 10. Moreover, by providing addressable agents 44, 46 and 48 within a given client 12, messages that are specialized or which need specialized handling may be addressed to particular agents resident on the client 12 for appropriate handling.

The server 10 may include a software download and update server 16. The server 16 is responsible for transmitting software or software updates to the client 12. The server 16 transmits messages which include a distinct service identifier. *See Specification, p. 2, ln. 16 – p. 4, ln. 2.*

In accordance with one embodiment of the present invention, the server 10 may implement a unidirectional messaging system. In a unidirectional messaging system, the server 10 may transmit messages to a plurality of clients that are unable to respond in any way. In one embodiment of the invention, the server 10 may include a unidirectional messaging server (UMS) 22 that is coupled to the servers 16, 18 and 20 to generate messages in an appropriate format. The messages transmitted by the UMS server 22 may include messages originally generated by one of the servers 16, 18 or 20. The UMS server 22 may then be coupled to an Internet Protocol multicast module 24 that places the messages in an appropriate multicast protocol format. Finally, a DVB Multiprotocol Encapsulation (MPE) 26 is coupled to the Internet protocol multicast module 24. The output of the DVB MPE 26 and a DVB-Service Information (SI) generator 28 are coupled to the transport 14. *See Specification, p. 4, ln. 10 – p. 5, ln. 16.*

In the client 12, the stream from the DVB-SI generator 28 is coupled to a DVB-SI receiver 40 and service acquisition module 38. The service acquisition module 38 extracts a program identifier (PID) and provides it to a DVB demultiplexer 32. A tuner 30 may tune the client 12 to the appropriate channel corresponding to the extracted program identifier.

The message from the DVB MPE 26 is provided to a DVB MPE receiver 42. The receiver 42 communicates with an IP multicast module 40 and a unidirectional messaging server 38. The server 38 breaks down the message to determine whether a service identifier was included in the data stream. If so, the message is forwarded to an appropriate agent designated to receive messages with particular service identifiers.

Thus, in one embodiment of the present invention, the software download and update server 16 may provide a specific message identifier that causes its message to be received by a software download agent 48 tuned to a particular service identifier. *See Specification, p. 5, ln. 16 – p. 6, ln. 10.*

Turning next to Figure 2, software 50 on the client 12 initially receives the unidirectional messaging server address and port from the server 10. The client 12 may also be assigned a client identifier as indicated in block 52. Thus, an Internet Protocol multicast system may be established wherein each client has a UMS address and port as well as a unique client identifier, assigned by the server 10. In some embodiments, the server 10 may dynamically adjust addresses and ports as well as client identifiers to enable communication of particular messages, message groups or types of messages to particular clients in a dynamic and reconfigurable fashion.

Having received its address, port and client identifier, the client 12 receiver joins a multicast group and listens for messages addressed specifically to it or to any groups that the client 12 belongs to, as indicated in block 54.

A software download agent 48 registers its service identifier with the UMS server 38 as indicated in block 56. When the UMS server 38 receives a packet with a UMS message, as indicated in block 58, a check determines whether the particular client 12 is the intended recipient as indicated in diamond 60. If not, the message is discarded as indicated in block 62.

However, if the particular client 12 is the intended recipient, the server 38 checks the message's service identifier and passes the message to the correct agent 44, 46 or 48, as indicated in block 64. The message is then delivered to the appropriate agent 44, 46 or 48, as indicated in

block 66. In the agent, the information is parsed and passed to an appropriate process for handling as indicated in block 68. *See Specification, p. 6, ln. 23 – p. 8, ln. 2.*

On the server side, shown in Figure 3, the network software 70 begins by assigning multicast addresses and ports for unidirectional messaging service to a plurality of clients 12 as indicated in block 72. The server 10 may also assign client identifiers in a dynamic and reconfigurable fashion. The address, port and client identifiers are then transmitted to the clients as indicated in block 74.

Thereafter, the software download and update server 16 may create a software version data structure and pass this data to the server 22 as indicated in block 76. The server 22 creates a unidirectional message and assigns a client value, sets a group flag, and copies private data in the private bytes of the message as indicated in block 78. *See Specification, p. 8, ln. 3 – ln. 16.*

As indicated in block 80, the message is then sent to all the clients 12 on the network. Each client then determines whether the message is intended for that client. The client 12 determines whether it is the specific intended recipient by determining whether the message is addressed to the client identifier of the client 12. For example, using an AND logic operator between the message's identifier and the client's identifier, the client 12 may determine if the client 12 is within a group of clients jointly addressed by the server 10.

In one embodiment of the present invention, distinct groups of users may receive common client identifier elements. Thus, a plurality of clients whose owners have signed up for enhanced service may include a common code portion in their client identifier. When a message including that common code portion in the client identifier is received, each of those clients accepts the message. Likewise, clients in particular geographic areas, having particular interests or otherwise identifiable clients may be given unique prefixes/suffixes or identifier code portions. The code portion may be logically ANDed with a group_mask to determine whether a particular client is a member of the targeted group. *See Specification, p. 9, ln. 25 – p. 10, ln. 21.*

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Each of the following grounds of rejection are presented for review:

(1) claims 45 and 51 stand rejected under 35 U.S.C. § 102(e) over Hofmann

- A. claim 45 stands rejected under 35 U.S.C. § 102(e) over Hofmann
- B. claim 51 stands rejected under 35 U.S.C. § 102(e) over Hofmann

(2) claims 46-49 stand rejected under 35 U.S.C. § 103(a) over Hofmann and Fletcher

- A. claims 46 and 47 stand rejected under 35 U.S.C. § 103(a) over Hofmann and Fletcher
- B. claim 48 stands rejected under 35 U.S.C. § 103(a) over Hofmann and Fletcher
- C. claim 49 stands rejected under 35 U.S.C. § 103(a) over Hofmann and Fletcher

(3) claims 50 and 52-55 stand rejected under 35 U.S.C. § 103(a) over Hofmann and Kauffman

- A. claim 50 stands rejected under 35 U.S.C. § 103(a) over Hofmann and Kauffman
- B. claim 52 stands rejected under 35 U.S.C. § 103(a) over Hofmann and Kauffman
- C. claim 53 stands rejected under 35 U.S.C. § 103(a) over Hofmann and Kauffman
- D. claim 54 stands rejected under 35 U.S.C. § 103(a) over Hofmann and Kauffman
- E. claim 55 stands rejected under 35 U.S.C. § 103(a) over Hofmann and Kauffman

VII. ARGUMENT

(1) Claims 45 and 51 Are Patentable Under 35 U.S.C. § 102(e) over Hofmann

A. Claim 45 Is Patentable Under 35 U.S.C. § 102(e) over Hofmann

Pending claim 45 stands rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,236,983 (Hofmann). This rejection is improper and should be reversed. Claim 45 recites a method including assigning a different address to each of at least two agents on a client system of a multicast system, and determining whether a message sent to multiple client systems of the multicast system and received by the client system is addressed to one of the at least two agents. As to claim 45, Hofmann fails to disclose each and every element of claim. Accordingly, Hofmann cannot anticipate under §102. MPEP §2131. The Examiner's rejection of claim 45 plainly displays the impropriety of the rejection: "Hofmann discloses the invention *substantially* as claimed...." Final Office Action, p. 3 (emphasis added). "Substantially" does not make an anticipation.

Hofmann fails to teach, at least: (1) assigning of different addresses to at least two agents on a client system; (2) a client system that is of a multicast system; and (3) determining whether a message sent to multiple client systems of a multicast system and received by the client system is addressed to an agent of the system.

As to point one, Hofmann nowhere teaches assigning of different addresses. In this respect, Hofmann merely teaches that each entry in a table of discovery rules for each of various discovery agents in a system is associated with a unique identifier. Hofmann, Abstract; col. 5, lns. 62-65. This unique associated identifier is nowhere disclosed in Hofmann to be an address. For example, as shown in FIG. 3, discovery agents are identified in the table by their names (e.g., HWConfiguration, DiskDriveInfo). Hofmann, col. 6, ln. 61 – col. 7, ln. 17. Simply put, there is no address present at which these discovery agents exist.

As to point 2, Hofmann further fails to teach a client system that is of a multicast system. In this regard, nowhere does Hofmann anywhere disclose that client system 10 is part of a multicast system. In an effort to support this contention, the Examiner contends that SystemStatus rule is somehow a multicast system, as it "activates a selected group of agents". Final Office Action, p. 2. However, the SystemStatus discovery rule is just that, a discovery rule, which Hofmann teaches is something that determines:

what, if any, action is to be taken based on the collected data. As discussed below, the discovery rules may be a series of Boolean operations, mathematical equations, or other comparisons or evaluations of the collected data.

Hofmann, col. 3, lns. 2-6. This in no way discloses a multicast system of which a client system is a part. It defies logic for somehow a discovery rule (which is merely code) to be a client system, when instead Hofmann teaches that the discovery rule is present in a discovery engine inside of client system 10. Nor does Hofmann anywhere teach that client system 10 is part of a multicast system. This is clearly so, as Hofmann nowhere even mentions multicasting.

Finally, as to point 3, Hofmann nowhere teaches determining whether a message sent to multiple client systems of a multicast system and received by a given client system is addressed to an agent of that system. In this regard, the portions of Hofmann cited contended to meet this claimed subject matter are irrelevant (*see* Final Office Action, p. 4). This is so, at least because Hofmann nowhere teaches either sending of a single message to multiple client systems of a multicast system (nowhere taught or suggested by Hofmann), or determining whether such a message received by Hofmann's client system 10 is addressed to an agent thereon. For all these reasons, claim 45 is patentable over Hofmann, and the rejection should be reversed.

B. Claim 51 Is Patentable Under 35 U.S.C. § 102(e) over Hofmann

Pending claim 51 also stands rejected under 35 U.S.C. §102(e) over Hofmann. Claim 51 recites a system that includes a processor-based device including first and second addressable agents, where the processor-based device is a client system of a multicast network. Claim 51 further recites instructions of the system that enable the processor-based device to assign different addresses to the first and second agents and to determine whether a message sent to multiple client systems of the multicast network and received by the client system is addressed to one of the addressable agents.

The rejection of claim 51 is improper, at least for the same reasons discussed above regarding claim 45. Furthermore, claim 51 is patentable as Hofmann nowhere teaches a processor-based device that is a client system of a multicast network. This is so, as Hofmann nowhere teaches the presence of a multicast network. As described in Applicant's Specification, a multicast network enables messages to be sent to a target group of clients constituting a subset of all network clients via a header including addresses of all subject clients that are addressed.

Specification, p. 1. As Hofmann nowhere teaches such a network, claim 51 is patentable for this further reason, and the rejection should be reversed.

(2) Claims 46-49 Are Patentable Under 35 U.S.C. § 103(a) over Hofmann and Fletcher

A. Claims 46 and 47 Are Patentable Under 35 U.S.C. § 103(a) over Hofmann and Fletcher

Pending claims 46-47 stand rejected under 35 U.S.C. §103(a) over Hofmann in view of U.S. Patent No. 6,009,274 (Fletcher). Claim 46 depends from claim 45 and further recites receiving at least two different message types at the client system, including a software update message and a short message service message. The rejection is improper, at least for the same reasons as claim 45 (*see* VII.1.A.), from which claim 46 depends. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (dependent claims are nonobvious when independent claim is nonobvious). This rejection is further improper, as there is no legally proper motivation to combine these two references. In this regard, the Examiner has engaged in the hindsight-based obviousness analysis that has been widely and soundly disfavored by the Federal Circuit. In order to prevent a hindsight-based obviousness analysis, the Federal Circuit requires that “to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant.” *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1316-17 (Fed Cir. 2000).

No such showing is present here. Instead, the Examiner merely states that it would have been obvious to combine Hofmann and Fletcher because of Fletcher’s “teaching of different types of messages would allow to identify messages and to provide multiple services in a distributed environment.” Final Office Action, p. 5. Nowhere does this contended reasoning anywhere provide a motivation for the claimed subject matter, namely the assigning of different addresses to different agents in a single client system of a multicast system, and determining whether a message sent to multiple client systems and received by the client system is addressed to one of the agents. For this further reason, claim 46 and its dependent claims are patentable.

The rejection of claim 46 is further improper, as neither reference teaches or suggests receiving at least two different types of messages, one of which including a short message service message. In this regard, neither reference teaches or suggests a short message service

message. A short message service message is a particular type of message, as evidenced by the definition of short message service, attached hereto in the Evidence Appendix. As seen, according to this definition, which was included in the prosecution history (*see* Reply to Final Office Action mailed December 28, 2005 (Exhibit A)), a short message service is “a message service offered by the GSM digital or cellular telephone system.” *See* IX. Evidence Appendix, p. 22.

Because neither reference teaches or suggests such a message, claim 46 is patentable for this further reason. Instead, all that Fletcher teaches is that a server sends requests, which are then responded to by agent. While the Examiner contends that the “keep alive” message sent in Fletcher is a “short message service message” as recited by claim 46, there is no teaching or suggestion in Fletcher to support this contention. Instead, all that Fletcher states with regard to such “keep alive” messages is that they “flow between agent and ASU server on a periodic basis whether the connection is doing anything or not.” Fletcher, col. 8, lns. 52-54. Nowhere however, does this anywhere teach or suggest that such message is a short message service message. For this further reason, claim 46 and the claims depending therefrom are patentable.

B. Claim 48 Is Patentable Under 35 U.S.C. §103(a) over Hofmann and Fletcher

Dependent claim 48 stands rejected under 35 U.S.C. §103(a) over Hofmann and Fletcher. Dependent claim 48 further recites receiving different addresses with messages that include software and messages that do not include software. Claim 48 is patentable for at least the same reasons discussed above regarding claim 46 (*see* VII.2.A.). Furthermore, dependent claim 48 is patentable as neither reference anywhere teaches or suggests receiving different addresses with messages that include software and messages that do not include software. Instead, all that the cited portions of Fletcher teach is that end systems transmit packets having destination and source addresses. Nowhere however does Fletcher teach or suggest that such source and destination addresses change based on a type of message. Instead it appears the opposite is true: source and destination addresses remain the same regardless of message type. For this further reason, claim 48 is patentable and the rejection should be reversed.

C. Claim 49 Is Patentable Under 35 U.S.C. §103(a) over Hofmann and Fletcher

Dependent claim 49 stands rejected under 35 U.S.C. §103(a) over Hofmann in view of Fletcher. Dependent claim 49 depends from claim 48 and further recites determining if messages including software are directed to an agent on the client system to handle the downloading of software based on a service identifier associated with the agent. The rejection of claim 49 is improper at least for the same reasons discussed above regarding claim 48 (*see* VII.2.B.). Furthermore, as to dependent claim 49, neither reference anywhere teaches or suggests determining if a message is directed to a given agent of a client system “based upon a service identifier associated with the agent”, as recited by claim 49. In this regard, the Examiner entirely fails to cite to any portion of either reference for teaching or suggestion of such a service identifier associated with an agent of a client system. Thus the Examiner has not set forth a *prima facie* case with respect to all claim limitations, in contravention of MPEP §2143.03. The rejection should be reversed.

(3) Claims 50 and 52-55 Are Patentable Under 35 U.S.C. § 103(a) over Hofmann and Kauffman

A. Claim 50 Is Patentable Under 35 U.S.C. §103(a) over Hofmann and Kauffman

Pending claim 50 stands rejected under 35 U.S.C. §103(a) over Hofmann in view of U.S. Patent No. 5,260,778 (Kauffman). The rejection of claim 50 is improper, at least for the same reasons discussed above regarding claim 45 from which claim 50 depends (*see* VII.1.A.). Furthermore, as to claim 50, the Examiner has engaged again in hindsight rationale in order to combine Hofmann with Kauffman, given the disparate nature of these references. In this regard, the primary reference, Hofmann is directed to a computer system and more particularly to a client/server architecture, in which information regarding the client system can be retrieved from the client system. Hofmann, cols. 1-2. In contrast, Kauffman is directed to a cable television system in which text/graphics messages are transmitted to subscribers or groups of subscribers. Kauffman, Abstract. As such, clearly Kauffman is from a non-analogous art. MPEP §2141.01(a). In this regard, it is in no way related to the problem faced here by the Applicant. *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992).

As to the reasoning for the combination, the Examiner contends that it would have been obvious to combine these references “to provide for the distribution of specific messages to individual subscribers or special groups of subscribers via a CATV communication network... .” Final Office Action, p. 6. However, this is not what is claimed in claim 50 or any other rejected claim. The references must provide “the desirability of making the specific combination that was made by the applicant.” *In re Kotzab*, 55 U.S.P.Q.2d at 1316-17. Because no such showing is present here, the rejection should be reversed.

B. Claim 52 Is Patentable Under 35 U.S.C. §103(a) over Hofmann and Kauffman

Dependent claim 52 stands rejected under 35 U.S.C. §103(a) over Hoffman in view of Kauffman. Dependent claim 52 depends from independent claim 51 and further recites that the system includes a service acquisition module to receive a broadcast data stream and provide a program identifier to a tuner, and to extract a message and provide the message to a unidirectional messaging module. Claim 52 is patentable at least for the same reasons as claim 51 discussed above (*see* VII.1.B.). Dependent claim 52 is further patentable, as neither reference anywhere teaches or suggests providing of a program identifier to a tuner. In this regard, the Examiner refers to Kauffman. However, Kauffman only teaches that a cable channel is delivered to a tuner, not a program identifier. Thus claim 52 is patentable for this further reason.

C. Claim 53 Is Patentable Under 35 U.S.C. §103(a) over Hofmann and Kauffman

Claim 53 depends from claim 52 and further recites that the unidirectional messaging module is to determine if a message is addressed to the first addressable agent or the second addressable agent. Claim 53 stands rejected under 35 U.S.C. §103(a) over Hofmann in view of Kauffman. The rejection is improper at least for the same reasons discussed above regarding claim 52 (*see* VII.3.B.). Dependent claim 53 is further patentable as Hofmann nowhere teaches or suggests multiple addressable agents of a single system, as discussed above regarding claim 45 (*see* VII.1.A.). Clearly, Kauffman does not. Accordingly, the rejection of claim 53 is improper and should be reversed.

D. Claim 54 Is Patentable Under 35 U.S.C. §103(a) over Hofmann and Kauffman

Dependent claim 54 stands rejected under 35 U.S.C. §103(a) over Hofmann in view of Kauffman. Claim 54 depends from claim 52 and further recites that the unidirectional messaging module is to determine if the message is addressed to the first or second addressable agent based on a service identifier within the message. The rejection of claim 54 is improper at least for the same reasons discussed above regarding claims 52 and 53 (*see* VII.3.B. and VII.3.C.). Simply put, neither reference anywhere teaches or suggests a service identifier. This is especially so, as the Examiner refers back to claim 49 for alleged support. Final Office Action, p. 7. However, the discussion of claim 49 is with regard to Fletcher, not Kauffman.

Thus no *prima facie* case has been set forth for this claim. For this further reason, the rejection should be reversed.

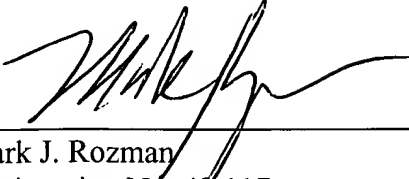
E. Claim 55 Is Patentable Under 35 U.S.C. §103(a) over Hofmann and Kauffman

Dependent claim 55 stands rejected under 35 U.S.C. §103(a) over Hofmann in view of Kauffman. Dependent claim 55 recites instructions to determine whether a message is directed to a first client system of a multicast network or a subset of multiple client systems based on an individual identifier of the first client system and a group identifier of the subset of systems. The rejection of claim 55 is improper, at least for the same reasons discussed above regarding claim 51 (*see* VII.1.B.). Furthermore, there is no basis for combination of Hofmann with Kauffman, as described above (*see* VII.3.A.). Accordingly, for at least these reasons, the rejection of claim 55 should be reversed.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: 11/9/06



Mark J. Rozman
Registration No. 42,117
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, Texas 77057-2631
(512) 418-9944 [Phone]
(713) 468-8883 [Fax]
Customer No.: 21906

VIII. CLAIMS APPENDIX

The claims on appeal are:

45. A method comprising:
assigning a different address to each of at least two agents on a client system of a multicast system; and
determining whether a message sent to a plurality of client systems of the multicast system and received by said client system is addressed to one of said at least two agents.
46. The method of claim 45 including receiving at least two different types of messages at said client system including a software update message and a short message service message.
47. The method of claim 46 including receiving messages including software and messages not including software.
48. The method of claim 47 including receiving different addresses with messages that include software and messages that do not include software.
49. The method of claim 48 further comprising determining if the messages including software are directed to an agent on the client system to handle the downloading of software based upon a service identifier associated with the agent.
50. The method of claim 45 further comprising determining whether a message is sent to a first client system of the multicast system or a subset of the plurality of client systems based upon an individual identifier of the first client system and a group identifier of the subset of the plurality of client systems.
51. A system comprising:
a processor-based device including a first addressable agent and a second addressable agent, the processor-based device comprising a client system of a multicast network; and
a storage coupled to said processor-based device storing instructions that enable the processor-based device to assign a different address to the first and second addressable agents and determine whether a message sent to a plurality of client systems of the multicast network and received by said client system is addressed to one of the first and second addressable agents.
52. The system of claim 51 wherein the system further comprises a service acquisition module to receive a broadcast data stream and provide a program identifier to a tuner

of the processor-based device, and to extract the message and to provide the message to a unidirectional messaging module of the processor-based device.

53. The system of claim 52 wherein the unidirectional messaging module is to determine if the message is addressed to the first addressable agent or the second addressable agent.

54. The system of claim 52 wherein the unidirectional messaging module to determine if the message is addressed to the first addressable agent or the second addressable agent based upon a service identifier within the message.

55. The system of claim 51 wherein the storage is to further store instructions that enable the processor-based device to determine whether a message is directed to a first client system of the multicast network or a subset of the plurality of client systems of the multicast network based upon an individual identifier of the first client system and a group identifier of the subset of the plurality of client systems.

IX. EVIDENCE APPENDIX

A copy of Exhibit 1 attached to Reply to Final Office Action mailed February 28, 2006 is attached hereto at page 23.

Short Message Service

<messaging> (SMS) A message service offered by the GSM digital cellular telephone system.

Using SMS, a short alphanumeric message (160 alphanumeric characters) can be sent to a mobile phone to be displayed there, much like in an alphanumeric pager system. The message is buffered by the GSM network until the phone becomes active.

(1996-02-18)

Try this search on Wikipedia, OneLook, Google

Nearby terms: shortcut « Shorten « shortest job first « **Short Message Service** » shotgun debugging » shovelware » Show-And-Tell

X. RELATED PROCEEDINGS

There are no related proceedings in this matter.